

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

September 18, 2006

At 9:29 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Raye, Associate Justice; Hull, Associate Justice and Guzman, bailiff.

C052030 PETTIGREW v. WORKERS' COMPENSATION APPEALS BOARD et al.

Cause called. John R. Holstedt argued for petitioner. Alan R. Canfield argued for respondent, Department of Corrections. Cause submitted.

At 9:58 a.m., the court recessed. At 10:01 a.m., the court reconvened with Scotland, Presiding Justice; Hull, Associate Justice; and Cantil-Sakauye, Associate Justice.

C049686 THE PEOPLE v. WAGENER

Cause called. Eric Weaver, court appointed counsel, argued for appellant. Jennifer M. Poe, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:26 a.m., the court recessed until 9:30 a.m., Tuesday, September 19, 2006.

**C051748 In re ERICA T. et al.; PLACER COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES ADMINISTRATION v. LEE T. et al.
(Not for Publication)**

The orders of the juvenile court are affirmed.

DAVIS, J.

We Concur: Scotland, P.J.

Hull, J.

September 19, 2006

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Sims, Associate Justice; Cantil-Sakauye, Associate Justice; and Ellis, bailiff.

C048373 WINSTON v. TAYLOR et al.

Cause called. Stephen J. Mackey argued for respondents Taylor et. al. Marjorie E. Manning argued for respondent Sonoran Roofing. Charel Winston, argued In Pro Per as appellant. Cause submitted.

At 9:58 a.m., the court recessed. At 10:01 a.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Hull, Associate Justice.

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September 19, 2006, continued

C048286 WRYSINSKI v. AGILENT TECHNOLOGIES, INC.

Cause called. Henry D. Lederman argued and James Y. Wu appeared only for appellant. Elisa W. Ungerman argued for respondent. Cause submitted.

At 10:29 a.m., the court recessed. At 10:37 a.m., the court reconvened with Davis, Associate Justice; Raye, Associate Justice; and Hull, Associate Justice.

C051107 THE PEOPLE v. BIAS

Cause called. Susan K. Keiser, court appointed counsel, argued for appellant. Peter H. Smith, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:59 a.m., the court recessed until 9:30 a.m., Wednesday, September 20, 2006.

C046256 THE PEOPLE v. SHUKRY (Not for Publication)

The judgment is affirmed.

MORRISON, Acting P.J.

We Concur: Butz, J.

Cantil-Sakauye, J.

C048234 THE PEOPLE v. WEST (Not for Publication)

The judgment is modified... As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment, corrected as stated above; and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.

MORRISON, J.

We Concur: Raye, Acting P.J.

Butz, J.

C048317 THE PEOPLE v. GASSOWAY (Not for Publication)

The judgment is affirmed.

NICHOLSON, Acting P.J.

We Concur: Robie, J.

Butz, J.

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- C048938 THE PEOPLE v. POMPA (Not for Publication)**
Defendant is hereby credited with three additional days of presentence custody credit. The superior court is directed to prepare an amended abstract of judgment reflecting this change as well as correcting the sentence to show a term of four years, and to forward a certified copy to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.
MORRISON, J.
We Concur: Raye, Acting P.J.
Butz, J.
- C048945 THE PEOPLE v. PROPHET (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Blease, Acting P.J.
Nicholson, J.
- C049382 THE PEOPLE v. BROWN (Not for Publication)**
The judgment is affirmed.
NICHOLSON, Acting P.J.
We Concur: Raye, J.
Butz, J.
- C049883 THE PEOPLE v. CISNEROS (Not for Publication)**
Defendant's convictions in counts 4, 5, 7, 8, 9, 19, 20, 21, 23, and 25, are reversed. Defendant's sentence is vacated and remanded for resentencing. Upon resentencing, the court should stay the imposition of sentence as to counts 3 and 18, and the abstract must show the sentence for count 26 was not stayed. In all other respects, the judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Hull, Acting P.J.
Butz, J.
- C050168 THE PEOPLE v. LEYBA (Not for Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Sims, Acting P.J.
Robie, J.

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September 19, 2006, continued

- C050332 THE PEOPLE v. MATYE (Certified for Partial Publication)**
The judgment is modified to stay... As modified, the judgment is affirmed.
The trial court is directed to (1) amend the abstract of judgment to reflect this modification and also to correct the errors identified in part IV of this opinion, *ante*, and (2) forward certified copy of the amended abstract to the Department of Corrections and Rehabilitation.
SCOTLAND, P.J.
We Concur: Sims, J.
 Nicholson, J.
- C050569 THE PEOPLE v. DAWSON (Not for Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Davis, Acting P.J.
 Cantil-Sakauye, J.
- C051001 THE PEOPLE v. GORDON (Not for Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Davis, Acting P.J.
 Cantil-Sakauye, J.
- C048681 THE REGENTS OF THE UNIVERSITY OF CALIFORNIA v. MAD RIVER
C049232 COMMUNITY HOSPITAL and CAPITOL ADMINISTRATORS, INC.
MAD RIVER COMMUNITY HOSPITAL v. CLARENDON NATIONAL
INSURANCE CO. (Not for Publication)**
The summary judgments entered in favor of Capitol Administrators and Clarendon are affirmed. The denial of attorney fees to Capitol Administrators as an item of costs is also affirmed. The award of attorney fees to Clarendon as an item of costs is reversed. The parties shall bear their own costs on appeal.
HULL, Acting P.J.
We Concur: Butz, J.
 Cantil-Sakauye, J.
- C049442 SLOVENSKY v. FRIEDMAN et al. (CERTIFIED FOR PUBLICATION)**
The judgment is affirmed. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 27 (a) (4).)
SIMS, J.
We Concur: Blease, Acting P.J.
 Cantil-Sakauye, J.

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September 20, 2006, continued

At 10:26 a.m., the court recessed. At 10:30 a.m., the court reconvened with Blease, Associate Justice; Davis, Associate Justice; and Hull, Associate Justice.

C047857 CALVERT et al. v. COUNTY OF YUBA et al. and WESTERN AGGREGATES, INC.

Cause called. Paul L. Warner argued for appellant. Theodore Franklin argued and Christian L. Raisner appeared only for respondents Calvert et al. Russell B. Hildreth, Deputy Attorney General, argued for respondents County of Yuba et al. Cause submitted.

At 11:03 a.m., the court recessed. At 2:02 p.m., the court reconvened with Blease, Associate Justice; Davis, Associate Justice; and Hull, Associate Justice.

C048429 THE PEOPLE v. ISOM

Cause called. Steven Schorr, court appointed counsel, argued for appellant. J. Robert Jibson, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:40 p.m., the court recessed until 9:30 a.m., Friday, September 22, 2006.

C049732 THE PEOPLE v. BARRIES (Not for Publication)

The judgment is affirmed.
SIMS, Acting P.J.
We Concur: Robie, J.
Butz, J.

C051350 THE PEOPLE v. CAREY (Not for Publication)

The matter is remanded to the trial court for the limited purpose of orally delineating the fees, fines, and assessments imposed. The trial court is directed to prepare an amended abstract of judgment to reflect the itemization and to forward a certified copy to the Department of Corrections and Rehabilitation. The judgment is otherwise affirmed.

RAYE, J.
I Concur: Morrison, J.
I concur in parts II and III of the opinion. With respect to part I, I concur in the result.

SIMS, Acting P.J.

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- C051363 THE PEOPLE v. BEY (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We Concur: Blease, Acting P.J.
Hull, J.
- C052195 THE PEOPLE v. CROMP (Not for Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Sims, Acting P.J.
Morrison, J.
- C051651 SARE v. ROSA, JR. (Not for Publication)**
The purported appeal is dismissed. Plaintiff shall recover costs on appeal. (Cal. Rules of Court, rule 27 (a).)
HULL, J.
We Concur: Scotland, P.J.
Davis, J.
- C050087 In re HOLLY B.; MONO COUNTY DEPARTMENT OF SOCIAL SERVICES v. CLUSTER B. (Not for Publication)**
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Blease, Acting P.J.
Raye, J.
- C051855 In re C.C., JR.; SHASTA COUNTY DEPARTMENT OF SOCIAL SERVICES v. C.C. (Not for Publication)**
The orders of the juvenile court are affirmed.
DAVIS, J.
We Concur: Sims, Acting P.J.
Hull, J.
- C049998 SINGH v. SOUTHGATE PROFESSIONAL CONDOMINIUM OWNERS ASSOCIATION**
BY THE COURT:
Appellant's petition for rehearing is denied.
SIMS, Acting P.J.

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- C049001 THE PEOPLE v. YAKLICH et al. (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Nicholson, Acting P.J.
Raye, J.
- C050245 THE PEOPLE v. PICKRELL (Not for Publication)**
The judgment is affirmed.
SIMS, J.
We Concur: Scotland, P.J.
Nicholson, J.
- C050355 THE PEOPLE v. LUJAN (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Blease, Acting P.J.
Robie, J.
- C049919 CALIFORNIA FARM BUREAU FEDERATION et al. v. CALIFORNIA WILDLIFE
C049919 CONSERVATION BOARD et al. and TRAYNHAM et al. and MORA
COUNTY OF COLUSA v. CALIFORNIA WILDLIFE CONSERVATION BOARD
et al. and TRAYNHAM et al. and CALIFORNIA FARM BUREAU FEDERATION
et al.**
(Certified for Partial Publication)
The judgment granting a peremptory writ of mandate and the orders
granting attorney fees are affirmed. Respondents are awarded their costs on
appeal. (Cal. Rules of Court, rule 27 (a).)
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
Hull, J.
- C052607 In re GEORGE E. CROSS on Habeas Corpus (Not for Publication)**
...The petition for writ of habeas corpus is denied.
The clerk of this court shall send copies of all judicially noticed exhibits
and pleadings found in the habeas corpus superior court file to petitioner. The
original superior court trial file and habeas corpus file will be returned to the
superior court following the finality of this order. Petitioner's trial transcripts will be
returned to the court's archives.
HULL, Acting P.J.
We Concur: Butz, J.
Cantil-Sakauye, J.

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Hull, J.

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C045935 THE PEOPLE v. GONZALEZ et al.

BY THE COURT:

granted... The petitions for rehearing filed on September 13 and 14, 2006, are

The parties shall file and serve any relevant information on the above-described matter they wish to present to this court on or before October 5, 2006. No requests for extension of time shall be granted. Submissions by the parties shall be limited to the foregoing information.

BLEASE, Acting P.J.